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4
5 UNITED STATE DISTRICT COURT
6 IN AND FOR THE DISTRICT OF NEVADA

7 JULIE KEY,
8 Plaintiff,
9 v.

3:21-cv-00188-LRH-CSD

10 JOHN F. WITZEL, JR.; STEENS
MOUNTAIN PACKERS, an
11 Oregon domestic corporation;
HELI-STEENS and FRENCHGLEN
12 BLACKSMITHS,

**STIPULATED MODIFIED DISCOVERY
PLAN AND SCHEDULING ORDER
(SECOND MODIFICATION)**

13 Defendants.

14 JOHN F. WITZEL, JR., an individual;
STEENS MOUNTAIN PACKERS, INC.,
15 an Oregon corporation; and COLTON
WITZEL, an individual,

16 Counterclaimants,
17 v.

18 JULIE KEY, an individual; PINE GROVE
FARMS, INC., a Nevada corporation; and
ROYAL PEACOCK OPAL MINES, INC.,
20 a Nevada corporation,

21 Counterdefendants. /

22 Plaintiff JULIE KEY (hereinafter “KEY”) and Defendants JOHN F. WITZEL, JR., STEENS
23 MOUNTAIN PACKERS, INC.; HELI-STEENS; and FRENCHGLEN BLACKSMITHS (hereinafter
24 collectively “DEFENDANTS”) hereby stipulate:

25 1. KEY has retained an expert witness and timely provided to DEFENDANTS all required
26 information regarding her expert, with the exception of his report. KEY has still been unable to

1 obtain the expert's report because she did not have all of the discovery that she requested and that
2 the expert needed. His report, pursuant to the current order, is due June 23, 2022.

3 2. On June 22, 2022 DEFENDANTS provided to KEY the remaining financial records that
4 KEY's expert needs to complete his report. He can have his report completed by July 22, 2022.

5 **3. LR 26-3(a). Discovery completed to-date.**

6	June 4, 2021	PLAINTIFF'S INITIAL DISCLOSURES PURSUANT TO NRCP (sic) 16.1
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8	June 4, 2021	DEFENDANTS' AND COUNTERCLAIMANTS' FRCP 26 INITIAL DISCLOSURE STATEMENT
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10	August 4, 2021	PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS
11	September 14, 2021	COUNTERCLAIMANTS' FIRST SET OF REQUESTS FOR PRODUCTION TO COUNTERDEFENDANTS
12	September 14, 2021	DEFENDANTS' RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
13	October 25, 2021	STIPULATION AND ORDER FOR PROTECTIVE ORDER GOVERNING DISCLOSURE OF CONFIDENTIAL INFORMATION
14	November 3, 2021	DEFENDANTS' FIRST SUPPLEMENTAL RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
15		
16	December 21, 2021	PLAINTIFF'S/COUNTERDEFENDANTS' SECOND REQUEST FOR PRODUCTION OF DOCUMENTS
17		
18	January 3, 2022	DEFENDANTS' EXPERT WITNESS DISCLOSURE PURSUANT TO F.R.C.P. 26 (a)(2)
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20	January 6, 2022	PLAINTIFF'S/COUNTERDEFENDANTS' DISCLOSURE OF EXPERT WITNESS (All required information, with the exception of the expert's report, was disclosed.)
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22	January 14, 2022	STIPULATED MODIFIED DISCOVERY PLAN AND SCHEDULING ORDER (FIRST MODIFICATION)
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24	January 18, 2022	[PLAINTIFF'S] SECOND SUPPLEMENTAL DISCLOSURES PURSUANT TO FRCP 26
25		
26	February 4, 2022	DEFENDANTS' RESPONSES TO PLAINTIFF'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS
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28		

1	February 4, 2022	DEFENDANTS' AND COUNTERCLAIMANTS' FRCP 26 THIRD SUPPLEMENTAL DISCLOSURE STATEMENT
2	February 4, 2022	DEFENDANTS' SECOND SUPPLEMENTAL RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
3	March 4, 2022	DEFENDANTS' AND COUNTERCLAIMANTS' FRCP 26 FOURTH SUPPLEMENTAL DISCLOSURE STATEMENT
4	March 4, 2022	DEFENDANTS' AND COUNTERCLAIMANTS' FIFTH FRCP 26 SUPPLEMENTAL DISCLOSURE STATEMENT
5	May 11, 2022	Deposition of John F. Witzel, Jr.
6	May 12, 2022	Deposition of Julie Key
7	May 18, 2022	[PLAINTIFF'S] THIRD SUPPLEMENTAL DISCLOSURE PURSUANT TO FRCP 26
8	May 20, 2022	COUNTERCLAIMANTS' SECOND SET OF REQUESTS FOR PRODUCTION TO COUNTERDEFENDANTS
9	June 17, 2022	COUNTERCLAIMANTS' THIRD SET OF REQUESTS FOR PRODUCTION TO COUNTERDEFENDANTS
10	June 17, 2022	DEFENDANTS' AND COUNTERCLAIMANTS' FRCP 26 SIXTH SUPPLEMENTAL DISCLOSURE STATEMENT

LR 26-3(b). Discovery that remains to be completed.

1. KEY needs to submit her expert report to DEFENDANTS. DEFENDANTS may
have rebuttal experts. DEFENDANTS will also be submitting an additional expert report.

2. Both parties may need to have rebuttal experts.
3. Because many documents have been produced and requested since the parties'
deposition, the parties may need to re-depose one another. DEFENDANTS may want to depose
KEY's expert witness.

4. DEFENDANTS have two (2) lengthy outstanding document requests that they have
submitted to KEY.

5. KEY may have additional document requests.
6. Depositions of other witnesses may be taken.

LR 26-3(c). Reasons why the deadline was not satisfied.

1 KEY's expert needed DEFENDANTS' profit and loss statement for 2019.
2 DEFENDANTS assert that they believed the profit and loss statements for the years 2014-2020 were
3 included in their Second Supplemental Disclosure submitted on November 3, 2021. On June 20,
4 2022, KEY explained that the CPA needed DEFENDANTS' profit and loss statement for 2019. On
5 June 22, 2022, DEFENDANTS produced that statement to KEY, electronically, in Quickbooks form.

6 **LR 26-3(d). Proposed schedule for completing all discovery.**

7 1. EXPERT DISCLOSURES. The parties shall have until July 22, 2022 to submit
8 any additional expert witness disclosures. The parties shall disclose any rebuttal experts no later than
9 30 days after the disclosure of these contemplated experts, or August 21, 2022, whichever comes
10 first.

11 2. DISCOVERY DEADLINE. The new discovery deadline is September 22, 2022.
12 Trial has not been set.

13 DISPOSITIVE MOTION DEADLINE: October 24, 2022

14 JOINT PRETRIAL ORDER DEADLINE: November 23, 2022.

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1 3. OTHER PROVISIONS. All other provisions of the Stipulated Discovery Plan and
2 Stipulated Modified Discovery Plan, that are not in conflict herewith, shall remain in full force and
3 effect, pending further order of the court.
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5 DATED this 23rd day of June, 2022.

6 Goicoechea, Di Grazia,
7 Coyle & Stanton, Ltd.
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Elko, Nevada 89801
8 (775) 738-8091

9 _____
10 /s/ *Nancy Porter* _____
NANCY PORTER, Esq.
Plaintiff's/Counterdefendants' Attorneys
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DATED this 23rd day of June, 2022.

Robertson, Johnson,
Miller & Williamson
50 West Liberty Street, Suite 600 Reno,
Nevada 89501
(775) 329-5600

/s/ *Samantha J. Reviglio* _____
RICHARD D. WILLIAMSON, Esq.
SAMANTHA J. REVIGLIO, Esq.
Defendants'/Counterclaimants' Attorneys
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IT IS SO ORDERED.

DATED: June 24, 2022

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16 HONORABLE CRAIG S. DENNEY
17 UNITED STATES MAGISTRATE JUDGE
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